

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BANCA CARIGE S.P.A.,

Defendant.

Adv. Pro. No. 11-02570 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the "Trustee"), and Defendant Banca Carige S.P.A. ("Defendant"), through their respective undersigned counsel.

RECITALS

A. On January 28, 2022, Defendant filed its *Motion to Dismiss For Lack of Personal Jurisdiction and For Failure to State a Claim* in this Adversary Proceeding, No. 11-02570 (CGM) [ECF No. 107].

B. On June 30, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendant's Motion to Dismiss* [ECF No. 123].

C. On July 12, 2022, based on the Memorandum Decision, this Court entered its *Order Denying Banca Carige S.P.A.'s Motion to Dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6)* [ECF No. 124] (the "July 12, 2022 Order").

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the July 12, 2022 Order is 14 days after entry of the order, *i.e.*, on July 26, 2022.

E. Defendant seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by July 26, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to August 16, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to Defendant's request to extend its time to appeal to August 16, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Defendant for extension of time for filing (a) a notice of appeal of the July 12, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “Required Filings”), through and including August 16, 2022 (the “Extended Filing Deadline”).

2. The Trustee consents to Defendant’s motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if Defendant wishes to appeal the July 12, 2022 Order, Defendant shall make the Required Filings by the Extended Filing Deadline.

Dated: July 12, 2022
New York, New York

/s/ Brian W. Song
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*Attorneys for Defendant
Banca Carige S.p.A.*

IT IS SO ORDERED.

**Dated: July 13, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**